

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
Wednesday, December 16, 2009**

**Town Plan Commission (TPC) Members Present:** Charles Brummer; Vice-Chair, Larry Whalen (arrives at 6:30), Greg Thury, Suellen Soucek, Carey Baxter (5)

**Town Plan Commission Members Absent:** Chair, Ted Pallas, Ron Madich (2)

**Public Present:** none.

**Town Staff Members Present:** Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

**I. Call to Order/Roll Call**

C. Brummer called the meeting to order at 6:27 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

None.

**III. Approval of Previous Meeting Minutes:**

**a. Town Plan Commission Special Monthly Meeting, December 2, 2009**

In Part V a., add “to the” before “Town Hall” in motion by G. Thury.

G. Thury moves to approve as amended the minutes from the Town Plan Commission Special Monthly Meeting of December 2, 2009. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

**b. Town Plan Commission Workshop, December 10, 2009**

G. Thury moves to approve the minutes of the Town Plan Commission workshop of December 10, 2009. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

**IV. Zoning Administrator’s Report**

The report is on file. The Madeline Sanitary District did file an appeal. J. Croonborg, ZA would like to write memo to the Town Board tonight after the meeting, regarding changes to the Ordinance made today.

**V. Consideration and/or Action of Permit Applications:**

**a. Winston, Frederick RE: CSM to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd.**

The amended CSM was received and everything seems to be in order, if Ashland County needs any further changes, they’ll say so. G. Thury moves to recommend to the Town Board approval of the amended Certified Survey Map from Frederick Winston regarding the CSM to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd. dated December 16, 2009. S. Soucek seconds. All in favor, 5 aye. Motion Carries.

**VI. Old Business**

**a. Zoning Ordinance Revision Project**

The Town Board has requested updated versions of Sections 4.0 General Provisions and 8.0 Administration. Section 2.0 Definitions also needs to be looked at further.

**Section 2.0 Definitions**

- Change (1) Accessory Structure per Mr. Fauerbach’s dissatisfaction with definition as is:

Change “Any permanent, roofed structure serving as an accessory if attached to the principle building shall be considered a part of the principle building” to read “A detached subordinate structure which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. If attached to the principle building shall be considered a part of the principle building.” Change 4.2.6 to be consistent with this as well.

- Change (11) Dwelling from “a building designed or used exclusively as the living quarters for one or more families” to read “a building or part thereof designed or used exclusively as a residence or sleeping place, but not used at all for transient occupancy.”
- Change (12) Guest House to “(12) Dwelling, Accessory”
- Change (14) Family to reflect Bayfield’s Ordinance because it identifies a family as one or more persons. Change from “Two (2) or more persons who may or may not be related who normally live together and share a residential dwelling” to read “A person or persons living alone or together in one dwelling unit as a single housekeeping entity.”
- Include definition for Grade, to read: “(20) Grade: When used as a reference point in measuring the height of a building, the grade shall be the average elevation of the finished ground at the exterior walls of the main building.”
- Change (22) Home Business from “A business enterprise carried out by resident(s) of a dwelling that may involve activities on the premises outside of the dwelling including storage and use of equipment and may include activities of employees not residing in the dwelling. (Examples include landscaping and welding but not automotive repair or spray painting.)” to read “A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence in a manner that meets the requirements of Section 6.2 C.C of this Ordinance.”
- Add definition for Loading Area, to read: “(27) Loading Area: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.”
- Add definition for Land Disturbance Activity, to read: “(26) Land Disturbance Activity: Any man-made change of the land surface including removal of vegetative cover, excavating, filling, soil deposits and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping.”
- In (24) Lot, change “incident” to read “incidental.”
- Change (27) Lot Lines to “(27) Lot Line.”
- Change (28) Lot Width definition: Change “The mean width measured at right angles to its depth” to read “The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to Table \_ in Appendix \_” (Table and Appendix numbers to be determined).
- Change (29) Minor Lot Subdivision to “(29) Minor Subdivision.” In this definition, change “A minor lot subdivision is any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and which division does not create a subdivision as defined herein” to read

*“A minor subdivision is any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and does not create a subdivision as defined herein.”*

- In (33) Nonconforming Structure, replace “*because the structure is*” with “*that is.*”

The Town Plan Commission agrees to leave the remaining review and revision of Section 2.0 Definitions at this point and instead move to the review and revision of Section 8.4.2 Conditional Uses, as this is one of the sections under moratorium and is a higher priority. Section 2.0 and other sections will be revisited at a later meeting.

#### **Section 8.4.2 Conditional Uses**

- In 8.4.2.1 B, add “*may recommend*” to read “*The Town Plan Commission may recommend or the Town Board of supervisors may impose additional limitations....*”
- In 8.4.2.2 D, delete “*four (4)*” from the sentence “*Notice shall also be posted at the four (4) posting locations....*”
- In 8.4.2.2 F, change final sentence from “*The decision of the Plan Commission shall be recorded in the minutes and shall contain the grounds for each commissioners’ decision specifically related to this chapter or documents related to this chapter by each Plan Commission member voting on the matter*” to read “*The decision of the Town Plan Commission shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.*”
- In 8.4.2.2 H, change final sentence from “*The decision of the Town Board shall be recorded in the minutes and shall contain the grounds for each commissioner’s decision specifically related to the standards of this chapter or related to this chapter by each Town Board member voting on the matter*” to read “*The decision of the Town Board shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.*”
- In 8.4.2.2 I, change second to last sentence “*After forty-five (45) days following the Town Board’s decision to issue a conditional use permit, the Town Clerk shall cause the document to be recorded in at the Ashland County Register of Deeds office*” to read “*After forty-five (45) days following the Town Board’s decision to issue a conditional use permit, the Town Clerk shall issue the permit.*”

J. Croonborg, ZA will draft a memo to the Town Board presenting the draft changes to Section 4.3, Fauerbach’s correspondences, Section 7.0 (showing its deletion, and Section 8.4 for their consideration.

#### **VII. New Business**

##### **Lorin Kramer letter received December 4, 2009 regarding nuisance properties and junk**

Letter has been received and read. C. Brummer recommends placing the letter on file.

#### **VIII. Future Agenda Items**

#### **IX. Schedule of Next Meeting**

Next TPC Special Monthly Meeting to be held on Wednesday, December 30<sup>th</sup> at 5 pm.

#### **X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 5 aye. Motion Carries. Meeting ends at 7:55 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margareta Kusch, ZCA, Wednesday, December 30, 2009.**

**Town Plan Commission Minutes are approved as amended by Margareta Kusch; ZCA on Wednesday, January 6, 2010.**